

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

SAHIL SAHIL)
 Alien #: XXX-XXX-789)
)
 Petitioner,)
)
 v.)
)
 Marcello Villegas, Warden, BLUEBONNET)
 DETENTION CENTER;)
 Joshua Johnson, IMMIGRATION and CUSTOMS)
 ENFORCEMENT AND REMOVAL)
 OPERATIONS DALLAS FIELD OFFICE)
 DIRECTOR; Todd M. Lyons, ACTING)
 DIRECTOR, IMMIGRATION and CUSTOMS)
 ENFORCEMENT; Kristi Noem,)
 SECRETARY OF THE DEPARTMENT OF)
 HOMELAND SECURITY; Pam Bondi,)
 ATTORNEY GENERAL OF THE UNITED)
 STATES)
)
 Respondents.)

Case No. 1:26-cv-28

VERIFIED PETITION

EMERGENCY PETITION FOR WRIT of HABEAS CORPUS

Petitioner, SAHIL SAHIL, by and through his own and proper person, and through his attorney, SAADIA SIDDIQUE, of SIDDIQUE LAW GROUP, LLC¹, petitions this Honorable Court to issue a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is challenging his unlawful arrest and detention and denial of release on his bond request contrary to 8 U.S.C. § 1226, which under certain conditions, allows for release on bond during the pendency of immigration court proceedings.

Sahil is a citizen of India who initially entered the United States without inspection on or about December 4, 2022. It is believed he was not deported or removed at the border and has

¹ Appearing *pro hac vice*. Motion filed and pending with this Court.

remained in the United States since this date. He has resided in Ohio for over three years. He was working as a licensed truck driver passing through Texas when he was detained by ICE.

At approximately 9:40 A.M. on November 11, 2025, while driving through Wheeler County, Texas for work as a CDL truck driver, he stopped at the Shamrock truck weigh station for routine inspection. Authorities advised him to wait for inspection approval, and as he did, he was then detained and apprehended by Immigration and Customs Enforcement (ICE) officers and believed to be taken to an ICE facility in Dallas, Texas. It is believed that shortly thereafter that same day he was transferred to a facility in El Paso, Texas and now is currently at Bluebonnet Detention Facility in Anson, Texas.

Respondents have unlawfully arrested and detained numerous individuals throughout the United States and within Texas, jailing them without any possibility of release and without any due process protections based upon an erroneous misclassification of detention provisions as being subject to 8 U.S.C. § 1225, which does not allow for release on bond. Sahil falls into this category of individuals and is subject to continued detention during the pendency of his immigration court hearings, which are pending.

Introduction

It is believed that Sahil remains detained by Immigration and Customs Enforcement (“ICE”) at the Bluebonnet Detention Center in Anson, Texas. Prior to his apprehension, Petitioner had been previously apprehended by CBP when he crossed the U.S. border at Lukeville, Arizona. CBP released him shortly thereafter on parole on December 8, 2022, and required his check-ins with ICE in Ohio beginning on December 27, 2022, to which he complied. While on supervision, he filed an application for asylum on October 16, 2023, which USCIS referred to the

immigration court upon issuance of a Notice to Appear (NTA) on February 13, 2024, and placed in removal proceedings. Upon his current ICE apprehension and detention, he filed a request for bond with the immigration court in El Paso, Texas on December 4, 2025. The immigration judge in El Paso, Texas denied him bond on the basis that he lacked jurisdiction. His next detained removal hearing is scheduled for February 12, 2026.

Petitioner is entitled to contest his removal hearing before an Immigration Judge, who will determine his ultimate removability and his applications for relief. However, until approximately the last nine months, Respondents have abruptly and unlawfully reversed decades of settled immigration practice and procedure where individuals in Petitioner's situation would otherwise be entitled to release upon posting an immigration bond while removal proceedings remain pending. Respondents' continued detention of Petitioner without a hearing on an immigration bond is in violation of law. *See* 8 U.S.C. § 1229a *cf. Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (under section 1225 proceedings individuals are subject to detention without a bond hearing when encountered at "borders and ports of entry").

Numerous individuals in Petitioner's position have challenged the Respondents' new interpretation that individuals detained in the United States and not at the border are subject to mandatory detention without a bond hearing and its application to all civil immigration detainees and in all Immigration Courts, including people arrested and detained in immigration proceedings in Texas and then sent to ICE contracted facilities around the country. *See Parada-Hernandez v. Johnson*, 2025 WL 3465958 (N.D. Tex. Oct. 29, 2025); *Espinoza Andres v. Noem*, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *Lopez-Arevalo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Chogllo Chafla v. Scott*, 2025

WL 2688541(D. Me. Sept. 2, 2025); *Ayala Casun v. Hyde*, 2025 WL 280679 (D.R.I. Oct. 2, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y Aug. 13, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); and *Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025).

Jurisdiction

The action arises under the Constitution of the United States, the Immigration and Nationality Act of 1952, as amended (“INA”), 8 U.S.C. section 1101 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. section 701 *et seq.* This Court has habeas corpus jurisdiction pursuant to 28 U.S.C § 2241, and Article I, section 9, clause 2 of the United States Constitution (the “Suspension Clause”), as Petitioner is presently subject to immediate detention and custody under color of authority of the United States government, and said custody is in violation of the Constitution, law or treaties of the United States.

This action is brought to compel the Respondents’ officers of the United States, to accord Petitioner the due process of law to which he is entitled under the Fifth and Fourteenth Amendments of the United States Constitution. Specifically, “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (“Aliens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law”).

This Court may grant relief pursuant to 28 USC § 2241, the Declaratory Judgments Act, 28 USC § 2201 *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), and the All Writs Act, 28 USC §1651.

Venue

Venue lies in this Court pursuant to 28 U.S.C. § 1391(e). The Petitioner is detained by ICE, under the jurisdiction of the El Paso and Dallas Field Offices, at Bluebonnet Detention Center in Anson, Texas, a facility located in the Northern District of Texas, which is in the Abilene Division of this district. 28 U.S.C. § 124(a)(3). In general, the only district which may consider a § 2241 challenge is the district court of confinement. *See Lee v. Wetzel*, 244 F.3d 370, 375 n.5 (5th Cir. 2001); *Aguilar v. Johnson*, 2025 WL 2099201, at *1-*2 (N.D. Tex. July 25, 2025) (collecting cases). Petitioner is subject to being moved to another undisclosed ICE facility. Undersigned counsel is not aware if he will be moved and thus requests, he remain in the jurisdiction of this court.

Parties

Petitioner is citizen and national of India and presently in the custody of ICE. He is a resident of the State of Ohio and maintains residence in Ohio.

Respondent VILLEGAS WARDEN is being sued in his official capacity only, as the Warden of Bluebonnet Detention Center in Anson, Texas as the custodian of the jail and all individuals detained therein, where Petitioner is presently being detained. He is, therefore, Petitioner's immediate custodian.

Respondent JOSHUA JOHNSON is being sued in his official capacity only, as the Field Office Director of the Dallas Field Office of Immigration and Customs Enforcement. As such, he is charged with the detention and removal of aliens which fall under the jurisdiction of the Dallas

Field Office. Although the Columbus, Ohio Field Office did have direct control over Petitioner's detention and removal as it was the office where Petitioner reported as part of his order of supervision requirement and the office which issued his Notice to Appear, it is believed his present custody falls under the Dallas, Texas field office.

Respondent TODD M. LYONS is being sued in his official capacity only, as the Acting Director of Immigration and Customs Enforcement. As such, he is charged with the detention and removal of all aliens throughout the United States.

Respondent KRISTI NOEM is being sued in her official capacity only, as the Secretary of the Department of Homeland Security ("DHS").

Respondent PAMELA BONDI is being sued in her official capacity only, as the Attorney General of the United States and administers the Department of Justice, including EOIR, the BIA, and the Immigration Courts.

Factual and Procedural Background

Petitioner, SAHIL SAHIL, is present in the United States without inspection and based on information and belief, has not been previously deported when he crossed the U.S border at or near Lukeville, Arizona on or about December 4, 2022. (Pet. Ex. A: I-831). Following apprehension at the U.S. / Mexico border, CBP paroled him into the United States on December 8, 2022, with a parole validity to February 7, 2023. (Pet. Ex. B: Parole). He was enrolled in the ATD program and required to appear for check-ins with an ICE deportation officer in Westerville, Ohio. (Pet. Ex. C: ATD Enrollment). While residing in Ohio, Petitioner filed an application for asylum, Form I-589, with USCIS on October 16, 2023. USCIS referred the application to the Immigration Court, EOIR, indicating it lacked jurisdiction. (Pet. Ex. D: Memo to EOIR). USCIS lacks jurisdiction because on February 13, 2024, ICE issued him a Notice to

Appear (NTA) which places him in removal proceedings pursuant to 8 U.S.C. § 1229a and charges him with being present in the United States without admission and without valid documentation and therefore removable pursuant to *inter alia* 8 U.S.C. §§ 1182(a)(6)(A)(i) and (a)(7)(A)(i)(I).² (Pet. Ex. E: NTA).

Petitioner has no criminal record, and his removal proceedings remain pending before an Immigration Court in El Paso, Texas. He previously filed a bond request with the immigration court in El Paso, Texas. On December 4, 2025, the immigration judge denied him bond on the basis that he lacked jurisdiction to set a bond because of his entry without inspection or admission. (Pet. Ex. F: IJ Order). The IJ's bond order does not indicate he would have been denied bond because he is a danger to the community or a flight risk or on any other discretionary grounds.

After his bond was denied, he has been scheduled for a final detained hearing for February 12, 2026. He intends to continue with his asylum application in front of the immigration court.

On or about November 11, 2025, while driving through Texas for work with his Commercial Driver's license he stopped at a weigh station in Wheeler County, Texas. ICE was then contacted and he was taken into custody. A warrant was not shown, and he was not advised why his prior ATD release was being revoked or that he had failed to appear for supervision. He was not given an option for release or advised if he fell under a class of aliens not entitled to apprehension or release pending resolution of his removal proceedings. Petitioner holds a valid CDL (driver's license) from the state of Ohio and has been gainfully employed. He rents a home in Hilliard, Ohio and has been paying US income taxes since employment.

² The box on his NTA is checked "you are an alien present in the United States who has not been admitted or paroled". Even though his parole status has since expired, this is factually inaccurate since he has evidence of having been paroled.

Respondents have commenced removal proceedings against Petitioner with an immigration court date, and he is being held, without bond, at an ICE facility. As a person arrested inside the United States and held in civil immigration detention for his pending removal proceedings, he is subject to detention pursuant to 8 U.S.C. § 1226. *See cases cited on pages 3-4.* As a person detained under 8 U.S.C. § 1226(a), Petitioner should have received bond at his hearing on December 11, 2025, and Petitioner requests release pursuant to that bond hearing consistent with established precedent. Under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which the IJ cited in his decision denying bond, the responsible administrative agency has predetermined Petitioner will be denied a bond hearing, and the government is holding Petitioner under the purported authority of 8 U.S.C. § 1225(b)(2), under which he will not be permitted release on bond. Requiring any exhaustion of administrative remedies before an Immigration Judge or EOIR would be futile. An Immigration Judge is bound by the *Yajure Hurtado* decision and requesting bond and or appealing the same should not be counted as an impermissible failure to exhaust administrative remedies.

Since *Matter of Yajure Hurtado* has been decided dozens of individual habeas corpus petitions challenging its misclassification of bond-eligible detainees have been filed in District Courts, including in this one.

The INA prescribes three basic forms of detention for most noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a. First, 8 U.S.C. § 1226 authorizes detention for individuals in removal proceedings under 8 U.S.C. § 1229a. These individuals are generally entitled to a bond hearing unless they have been convicted or arrested of certain crimes which are subject to mandatory detention. *See* 8 U.S.C. § 1226(c). Second, the INA provides for mandatory detention for those subject to expedited removal pursuant to 8 U.S.C. § 1225(b)(1) and other

noncitizen applicants for admission at the border who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2). Final, the INA provides for detention of noncitizens who have been *ordered* removed, including individuals in withholding-only proceedings under 8 U.S.C. § 1231(a),(b) (emphasis added).

This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and 1225(b)(2), which were enacted as part of the Illegal Immigration and Reform and Immigrant Responsibility Act (IIRIRA) of 1996 and most recently section 1226(a) was amended in early 2025 by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). Following the enactment of IIRIRA in 1996, EOIR drafted regulations indicating that individuals present in the country without inspection, were not considered detained under § 1225 but rather detained under § 1226(a) and thus entitled to a bond hearing. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

Thus, as in Petitioner's case, absent ineligibility due to a criminal history or flight risk, which the IJ did not find, individuals in § 1229a removal proceedings are entitled to a bond hearing consistent with almost 30 years of practice where individuals arrested inside the United States, even after initially entering without inspection, fall within § 1226 detention proceedings and entitled to request and receive bond. *See* *Martinez v. Noem*, No. 3:25-cv-430-KC, 2025 WL 2965859, at *1-5 (W.D. Tex. Oct. 21, 2025) (finding procedural due process violation in denying bond); *Singh v. Lewis*, 2025 WL 2699219, at *5 (W.D. KY Sept. 22, 2025) (Petitioner who was "present in the United States for more than 12 years is not seeking admission into the United States.") (internal quotations omitted); and *Martinez v. Hyde*, 2025 WL 2084238, at *4 n. 9 (D. Mass. July 25, 2025) (citing the United States Solicitor General's representation to the Supreme

Court at oral argument that “DHS’s long-standing interpretation has been that 1226(a) applies to those who have crossed the border between ports of entry and are shortly thereafter apprehended”); *cf. Montoya Cabanas v. Bondi*, 2025 WL 3171131 at * 8 (S.D. Tex. Nov. 13, 2025) (finding the statutory text of § 1225(b)(2)(A) governs and an amendment by the Laken Riley Act to section 1226 isn’t superfluous) and *P.B. v. Bergami*, No. 3:25-cv-02978-O at *7 and * 11 (N.D. Tex. Dec. 13, 2025) (finding “Petitioner clearly meets the statutory definition of an application for admission” and denying her habeas petition).

On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced a new policy that rejected the well-established understanding of the statutory framework and reversed decades of practice. A series of Board of immigration Appeals (BIA) decisions under authority of the EOIR, sought to apply § 1225 (b) bond ineligibility to individuals apprehended inside the United States. Petitioner acknowledges the Supreme Court has held that noncitizens “seeking *initial* admission to the United States” have limited access to constitutional protections. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). This provision does not apply to Petitioner’s situation given the length of time inside the United States and no prior record of removability.

Causes of Action

Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

1. FIRST, the mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Petitioner as he has been placed in removal proceedings under 8 U.S.C. § 1229a and thus entitled to release pursuant to his bond hearing. Section 1225(b) does not apply to those who previously entered the country and have been present and residing in the United

States. Petitioner has been present and residing in the United States now for over three years since his initial entry in December 2022.

2. The application of 8 U.S.C. § 1225(b)(2) to Petitioner's continued detention without releases on a bond violates 8 U.S.C. § 1226(a), which governs his case.
3. SECOND, under the Administrative Procedure Act, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law" ... or that is "in excess of statutory jurisdiction authority, or limitations or short of statutory right." 5 U.S.C. § 706(2)(A) – (C). This authority is given to the Courts and "courts, not agencies, will decide all relevant question of laws arising on review of agency action . . . and set aside any such action inconsistent with the law as they interpret it." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 392 (2024) (quoting 5 U.S.C. § 706) (emphasis in original) (internal quotations omitted).
4. Petitioner's continued detention is arbitrary, capricious, an abuse of discretion, and without statutory authority in violation of 5 U.S.C. § 706(2).³
5. THIRD, Petitioner has a fundamental interest in liberty and being free from official restraint. Respondent's denial of a bond hearing is a violation of his due process rights which "lies at the heart of the liberty that the Clause protects." *Zadvydas*, at 690 (2001). Respondents' interpretation of the Immigration and Nationality Act (INA) is in error and

³ Petitioner also asserts a recent class action decision places Petitioner as a member of bond eligible class of individuals in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873 (C.D. Cal., Nov. 20, 2025) classified as:

"All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination."

Pursuant to 28 U.S.C. § 2243 Issuance of a Final Judgment, Petitioner is a class member with the District Court of California issuing a declaratory judgment finding that his current detention is unlawful.

is a violation of his due process rights. The BIA has no authority to adjudicate constitutional claims and thus this action is proper before this Court. *See generally Falek v. Gonzales*, 475 F.3d 285, 291 n 4 (5th Cir. 2007).

6. FOURTH, if necessary, by way of separate petition, Petitioner requests a temporary restraining order enjoining Respondents from relocating him outside the jurisdiction of this court pending final resolution of his case. He is likely to succeed on the merits, there is a threat of irreparable harm absent an injunction, the balance between threatened harm to him versus the Government weighs in his favor and Respondents will not suffer by granting him release pursuant to his bond hearing, and public interest dictates that those detained pursuant to 8 U.S.C. § 1226 be given review of their custody status as Congress intended.
7. FIFTH, If Petitioner prevails, he requests attorney's fees and costs pursuant to the Equal Access to Justice Act, as amended 28 U.S.C. § 2412.

Relief Requested:

WHEREFORE, Petitioner SAHIL SAHIL, respectfully requests this Honorable Court:

- A. Accept jurisdiction over this action;
- B. Order Respondents not to remove Petitioner outside the jurisdiction of this Court;
- C. Grant the writ of habeas corpus;
- D. Order the Department of Homeland Security to release Petitioner pursuant to the bond hearing already held within seven days;
- E. Make a finding that Respondents have acted contrary to law and have abused Petitioner's due process rights, and
- F. Grant any other relief that is equitable and just.

Respectfully Submitted,
SAHIL SAHIL

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VERIFICATION

I, Saadia Siddique, declare as follows:

I am an attorney admitted to practice law in the State of Illinois.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 19, 2026

s/Saadia Siddique

SAADIA SIDDIQUE

Siddique Law Group LLC

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 19, 2026, I served a copy of this Petition for Writ of Habeas Corpus by EMAIL to the following individuals:

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I ALSO HEREBY CERTIFY that the foregoing documents will be served on counsel for all parties through the Court's CM/ECF system.

s/Saadia Siddique
SAADIA SIDDIQUE
Siddique Law Group LLC
Attorney for Petitioner
Date: January 19, 2026